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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,627	01/03/2006	Steven David Lavine	TRAN.P0001	8549
<div>7590 06/28/2007</div> <div>Stattler Johansen & Adeli P O Box 51860 Palo Alto, CA 94303-0728</div> <div>EXAMINER COLAN, GIOVANNA B</div> <div>ART UNIT PAPER NUMBER</div> <div>2162</div> <div>MAIL DATE DELIVERY MODE</div> <div>06/28/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/534,627	Applicant(s) LAVINE, STEVEN DAVID	
	Examiner Giovanna Colan	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/18/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to the Amendment filed on 04/18/2007.
2. Claims 9 – 10, 13, 16, 18 – 19, and 23 were amended. Claims 17, and 24 – 58 were canceled. No claims were added.
3. This action is made Final.
4. Claims 1 – 16, and 18 – 23 are pending in this application.
5. Applicant's arguments with respect to amended claim 13 - 16, and 18 – 23 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

6. The information disclosure statement (IDS) was submitted on 05/18/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snow et al. (Snow hereinafter) (US Patent No. 6,098,066, issued: August 1, 2000) in view of Talib et al. (Talib hereinafter) (US Patent App. Pub. No. 2001/0049677 A1, published: December 6, 2001).

Regarding Claims 1, and 6, Snow discloses system for searching a content database stored in computer storage, the database including a plurality of records each containing multiple fields of information, the method comprising:

a structure database in computer storage in which each record is parsed into a plurality of categories, each category having at least one sub-category, the sub-categories being structured in at least one sub-level based upon a relationship between the information in sub-categories, the structure database containing category structure information defining the data structure of each category (Paragraph [57], Abstract: "A method for searching a document directory hierarchy which partitions a user-initiated search. The document directory hierarchy comprises a plurality of document directories stored in a tree data structure. Each of the plurality of document directories corresponds to a category within a class hierarchy and stores at least one document.", Snow);

a receiver for a search query containing a subset of the categories contained in a record, which subset may include all of the categories, the query containing selection information indicating those sub-categories that should be present in records being sought by the query (Paragraph [57], "A user query comprising one or more search

terms is accepted from an input. If the user query includes a user-selected category, a directed search is performed.”, Snow);

a correlation device set performing a correlation between the selection information, for categories present in the query subset, and information from the structure database representing the sub-category structure in a subset of the records, which subset may contain all of the records, to produce a relevance value for a record (Paragraph [57], “The directed search confines the search the one of the plurality of document directories corresponding to the user-selected category, and returns relevant documents within the user-selected category.”, Snow); and

a unit responding to the query by selecting and providing information from records in the content database based upon the relevance value of the records (Paragraph [57], “The directed search confines the search the one of the plurality of document directories corresponding to the user-selected category, and **returns relevant documents within the user-selected category.**”, Snow).

However, Snow is silent with respect to multiple fields of information contained in a record parsed into a plurality of categories. On the other hand, Talib discloses a record parsed into a plurality of categories containing multiple fields of information (Page 4, [0043], “wherein the entries correspond to at least one of the at least two taxonomies and also correspond to at least one of the at least two categories”, wherein the taxonomies correspond to the fields, Talib). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Talib’s teachings to the system Snow. Skilled artisan would have been motivated to do so, as

suggested by Talib (Page 4, [0043], Talib), to allow a search engine to be configured to search based on the taxonomies and based on the categories. In addition, both of the references (Snow and Talib) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, searching information, and categories. This close relation between both of the references highly suggests an expectation of success.

Regarding Claims 2, and 7, the combination of Snow in view of Talib discloses a system wherein the correlation device correlates selection information for a chosen category with information from the structure database representing the sub-category structure of the same category in a subset of the records, which subset may contain all of the records, to produce a relevance value for a chosen category in each record of the subset, this correlation being performed for a plurality of chosen categories; and, a correlation device including a component combining the relevance values of the plurality of chosen categories to produce a relevance value for the record (Paragraph [56], Abstract, "The directed search confines the search to one of the plurality of document directories corresponding to the user-selected category, and returns relevant documents within the user-selected category. The undirected search is performed within each of the plurality of document directories within the document directory hierarchy, and returns relevant categories corresponding to document directories within the document directory hierarchy", Snow).

Regarding Claims 3, and 8, the combination of Snow in view of Talib discloses a system wherein the correlation device is performs a different operation for two categories that have different data structures (Paragraph [56], Abstract, "The directed search confines the search to one of the plurality of document directories corresponding to the user-selected category, and returns relevant documents within the user-selected category. The undirected search is performed within each of the plurality of document directories within the document directory hierarchy, and returns relevant categories corresponding to document directories within the document directory hierarchy", Snow).

Regarding Claims 4, and 9, the combination of Snow in view of Talib discloses a system wherein the correlation device includes a component which assigns a weight to a sub-category in a record depending on whether that sub-category is present in the selection information (Paragraph [56], Abstract, "The directed search confines the search to one of the plurality of document directories corresponding to the user-selected category, and returns relevant documents within the user-selected category", Snow), and the correlation unit uses the assigned weight in performing the correlation (Col. 2, lines 51 – 56, Snow).

Regarding Claims 5, and 10, the combination of Snow in view of Talib discloses a system wherein the correlation unit includes a component which assigns a weight to a sub-category in a record depending upon its level, and the correlation unit uses the

assigned weight in performing the correlation (Col. 2, and 5, lines 51 – 56, and 49 – 55; respectively, Snow).

Regarding Claim 11, the combination of Snow in view of Talib discloses a system of claim 6 provided with access to a network, the content database being accessible from the network, the receiver and responding unit communicating over the network (Fig. 9, Col. 9, lines 6 – 16, Snow).

Regarding Claim 12, the combination of Snow in view of Talib discloses a system wherein the content database is accessed through the network (Fig. 9, Col. 9, lines 6 – 16, Snow).

9. Claims 13 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginn (US Patent No. 6,275,811, issued: August 14, 2001), in view of Knepfle et al. (Knepfle hereinafter) (PCT WO 01/61601 A1, international publication date: August 23, 2001), in view of Snow et al. (Snow hereinafter) (US Patent No. 6,098,066, issued: August 1, 2000), and further in view of Talib et al. (Talib hereinafter) (US Patent App. Pub. No. 2001/0049677 A1, published: December 6, 2001).

Regarding Claim 13, Ginn discloses an online user forum of the type permitting communication among a plurality of users and also permitting users to post information content for access by users, the improvement comprising

a reputation module storing a reputation rating for a user in association with information content (Col. 9, lines 65 – 67, “One variation is to track the reputation of individual authors, and assign further writings from those authors a preliminary rating based upon that reputation.”, Ginn).

However, Ginn is silent with respect to a user’s reputation being a function of the degree of his participation in the forum. On the other hand, Knepfle discloses a user’s reputation being a function of the degree of his participation in the forum (Page 2, “Feedback ratings provide a good mechanism for indicating a level of indicating a user’s trustworthiness or past participation within an electronic commerce forum ...”, Knepfle). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Knepfle’s teachings to the system Ginn. Skilled artisan would have been motivated to do so, as suggested by Knepfle (Page 2, Knepfle), to provide a good mechanism for indicating a level of user’s trustworthiness. In addition, both of the references (Ginn and Knepfle) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, and ratings. This close relation between both of the references highly suggests an expectation of success.

The combination of Ginn in view of Knepfle discloses all the limitation as discussed above. However, the combination of Ginn in view of Knepfle does not explicitly disclose: said reputation module being included within a system for searching a content database. On the other hand, Snow discloses system for searching a content

database stored in computer storage, the database including a plurality of records each containing multiple fields of information, the method comprising:

a structure database in computer storage in which each record is parsed into a plurality of categories, each category having at least one sub-category, the sub-categories being structured in at least one sub-level based upon a relationship between the information in sub-categories, the structure database containing category structure information defining the data structure of each category (Paragraph [57], Abstract: "A method for searching a document directory hierarchy which partitions a user-initiated search. The document directory hierarchy comprises a plurality of document directories stored in a tree data structure. Each of the plurality of document directories corresponds to a category within a class hierarchy and stores at least one document.", Snow);

a receiver for a search query containing a subset of the categories contained in a record, which subset may include all of the categories, the query containing selection information indicating those sub-categories that should be present in records being sought by the query (Paragraph [57], "A user query comprising one or more search terms is accepted from an input. If the user query includes a user-selected category, a directed search is performed.", Snow);

a correlation device set performing a correlation between the selection information, for categories present in the query subset, and information from the structure database representing the sub-category structure in a subset of the records, which subset may contain all of the records, to produce a relevance value for a record (Paragraph [57], "The directed search confines the search the one of the plurality of

document directories corresponding to the user-selected category, and returns relevant documents within the user-selected category.”, Snow); and

a unit responding to the query by selecting and providing information from records in the content database based upon the relevance value of the records (Paragraph [57], “The directed search confines the search the one of the plurality of document directories corresponding to the user-selected category, and **returns relevant documents within the user-selected category.**”, Snow). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Snow’s teachings to the system of the combination of Ginn in view of Knepfle. Skilled artisan would have been motivated to do so, as suggested by Snow (Col. 1, lines 56 – 58, Snow), to provide users the ability to select appropriate categories, alter the search terms, and re-run the search, resulting in a more efficient search and returning significantly fewer documents. In addition, the applied references (Ginn, Knepfle, and Snow) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, searching and returning information. This close relation between the applied references highly suggests an expectation of success.

The combination of Ginn in view of Knepfle and further in view of Snow discloses all the limitation as discussed above. However, the combination of Ginn in view of Knepfle and further in view of Snow does not explicitly disclose multiple fields of information contained in a record parsed into a plurality of categories. On the other hand, Talib discloses a record parsed into a plurality of categories containing multiple

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fields of information (Page 4, [0043], "wherein the entries correspond to at least one of the at least two taxonomies and also correspond to at least one of the at least two categories", wherein the taxonomies correspond to the fields, Talib). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the Talib's teachings to the system of the combination of Ginn in view of Knepfle and further in view of Snow. Skilled artisan would have been motivated to do so, as suggested by Talib (Page 4, [0043], Talib), to allow a search engine to be configured to search based on the taxonomies and based on the categories. In addition, the applied references (Ginn, Knepfle, Snow, and Talib) teach features that are directed to analogous art and they are directed to the same field of endeavor, such as, databases management systems, searching information, and categories. This close relation between the applied references highly suggests an expectation of success.

Regarding Claim 14, the combination of Ginn in view of Knepfle in view of Snow and further in view of Talib discloses a forum wherein the reputation module is constructed so that a first user's reputation rating is dependent upon the evaluation by other users of the information posted by the first user (Col. 2, and 3, lines 59 – 62, and 1 – 3; respectively, Ginn).

Regarding Claim 15, the combination of Ginn in view of Knepfle in view of Snow and further in view of Talib discloses a forum wherein the reputation module is constructed so that a first user's reputation rating is dependent upon his evaluation of

information posted by other users (Col. 2, and 3, lines 59 – 62, and 1 – 3; respectively, Ginn).

Regarding Claim 16, the combination of Ginn in view of Knepfle in view of Snow and further in view of Talib discloses a forum wherein the reputation module is constructed so that a first user's reputation rating is dependent more the evaluation by other users of the information posted by the first user than upon the first user's evaluation of information posted by other users (Col. 2, and 3, lines 59 – 62, and 1 – 3; respectively, Ginn).

Regarding Claim 18, the combination of Ginn in view of Knepfle in view of Snow and further in view of Talib discloses a forum of claim 17 wherein the correlation device correlates selection information for a chosen category with information from the structure database representing the sub-category structure of the same category in a subset of the records, which subset may contain all of the records, to produce a relevance value for a chosen category in each record of the subset, this correlation being performed for a plurality of chosen categories; and, a correlation device including a component combining the relevance values of the plurality of chosen categories to produce a relevance value for the record (Paragraph [56], Abstract, "The directed search confines the search to one of the plurality of document directories corresponding to the user-selected category, and returns relevant documents within the user-selected category. The undirected search is performed within each of the plurality of document

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directories within the document directory hierarchy, and returns relevant categories corresponding to document directories within the document directory hierarchy", Snow).

Regarding Claim 19, the combination of Ginn in view of Knepfle in view of Snow and further in view of Talib discloses a forum wherein the correlation device is performs a different operation for two categories that have different data structures (Paragraph [56], Abstract, "The directed search confines the search to one of the plurality of document directories corresponding to the user-selected category, and returns relevant documents within the user-selected category. The undirected search is performed within each of the plurality of document directories within the document directory hierarchy, and returns relevant categories corresponding to document directories within the document directory hierarchy", Snow).

Regarding Claim 20, the combination of Ginn in view of Knepfle in view of Snow and further in view of Talib discloses a forum wherein the correlation device includes a component which assigns a weight to a sub-category in a record depending on whether that sub-category is present in the selection information (Paragraph [56], Abstract, "The directed search confines the search to one of the plurality of document directories corresponding to the user-selected category, and returns relevant documents within the user-selected category", Snow), and the correlation unit uses the assigned weight in performing the correlation (Col. 2, lines 51 – 56, Snow).

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Regarding Claim 21, the combination of Ginn in view of Knepfle in view of Snow and further in view of Talib discloses a forum wherein the correlation unit includes a component which assigns a weight to a sub-category in a record depending upon its level, and the correlation unit uses the assigned weight in performing the correlation Col. 2, and 5, lines 51 – 56, and 49 – 55; respectively, Snow).

Regarding Claim 22, the combination of Ginn in view of Knepfle in view of Snow and further in view of Talib discloses a forum provided with access to a network, the content database being accessible from the network, the receiver and responding unit communicating over the network (Fig. 9, Col. 9, lines 6 – 16, Snow).

Regarding Claim 23, the combination of Ginn in view of Knepfle in view of Snow and further in view of Talib discloses a forum wherein the content database is accessed through the network (Fig. 9, Col. 9, lines 6 – 16, Snow).

Response to Arguments

1. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

2. Applicant's arguments with respect to; "performing a correlation between the selection information and information from the structure database representing the sub-category structure in a subset of the records, which subset may contain...based upon the relevance value of the records" of claims 1, and 6, fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

3. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

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Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the combination of Snow in view of Talib is suggested by the Talib reference (See – Page 4 of this Office Action above).

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Prior Art Made Of Record

1. Ginn (US Patent No. 6,275,811, issued: August 14, 2001).
2. Knepfle et al. (PCT WO 01/61601 A1, international publication date: August 23, 2001).
3. Snow et al. (US Patent No. 6,098,066, issued: August 1, 2000).
4. Talib et al. (US Patent App. Pub. No. 2001/0049677 A1, published: December 6, 2001).


Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Giovanna Colan
Examiner
Art Unit 2162
June 21, 2007


JOHN BREENE
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